

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Carlos Forray, et al.
U.S. Serial No. : Not Yet Known
Filed : Herewith
For : DNA ENCODING A HUMAN MELANIN
CONCENTRATING HORMONE RECEPTOR (MCH1)
AND USES THEREOF

1185 Ave of the Americas
New York, New York 10036
December 20, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

PRELIMINARY AMENDMENT AND INFORMATION DISCLOSURE STATEMENT

Please amend the subject application as follows:

In the Specification:

Please delete the paragraph on page 1, lines 6-12, and insert the following replacement paragraph:

-- This application is a continuation of U.S. Serial No. 09/899,732, filed July 5, 2001, which is a continuation-in-part of U.S. Serial No. 09/610,635, filed July 5, 2000, which is a continuation-in-part of PCT International Application No. PCT/US99/31169, filed December 30, 1999, which is a continuation-in-part of U.S. Serial No. 09/224,426, filed December 31, 1998, now U.S. Patent No. 6,221,613 B1, issued April 24, 2001, the contents of which are hereby incorporated by reference into the subject application. --

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In the Claims:

Please cancel claims 1-168 and 198-207 without disclaimer or prejudice to applicants' right to pursue the subject matter of these claims in a future continuation or divisional application.

Please amend claim 197 as follows:

--197. (Amended) A method of claim 192, wherein the eating disorder is anorexia nervosa.--

A marked-up version of the amended claim showing the changes made is attached hereto as **Exhibit A**.

REMARKS

Claims 1-207 were pending in the subject application. By this Preliminary Amendment, applicants have canceled claims 1-168 and 198-207 and amended claim 197. Accordingly, upon entry of this Preliminary Amendment, claims 169-196 and amended claim 197 will be pending and under examination.

Applicants maintain that the amendment to claim 197 to remove multiple dependencies raises no issue of new matter. Accordingly, applicants respectfully request that the Amendment be entered.

Sequence Listing

The Sequence Listing in the subject application is identical to that filed with the parent of the subject application, U.S. Serial No. 09/899,732, filed on July 5, 2001. Applicants are filing as part of the subject application copies of the paper copy of the Sequence Listing and Statement in Accordance With 37

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C.F.R. §1.821(f) which were filed with U.S. Serial No. 09/899,732, filed on July 5, 2001. The computer readable form in the subject application is identical to that filed in U.S. Serial No. 09/899,732, filed on July 5, 2001. In Accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed in U.S. Serial No. 09/899,732 as the computer readable form for the instant application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application.

Information Disclosure Statement

In accordance with their duty of disclosure under 37 C.F.R. § 1.56, applicants would like to direct the Examiner's attention to the following references which are listed on the attached Form PTO-1449 (**Exhibit 1**) and were previously cited in connection with prosecution of U.S. Serial No. 09/899,732, filed July 5, 2001; the subject application claims priority under 35 U.S.C. §120 of the filing date of that application. According to 37 C.F.R. §1.98(d), copies of patents or publications that were previously cited by, or submitted to, the Patent Office in connection with such prior applications need not accompany the Information Disclosure Statement. Accordingly, copies of the following references are not attached to this Information Disclosure Statement:

1. U.S. Patent No. 6,033,872, issued March 7, 2000;
2. U.S. Patent No. 6,008,012, issued December 28, 1999;
3. PCT International Publication No. WO 01/05947, published January 25, 2001;

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4. PCT International Publication No. WO 99/28492 (Ames, R.S., et al.) June 10, 1999;
5. PCT International Publication No. WO 96/18651 (Bergsma, D.J. and Ellis, C.E.) June 20, 1996;
6. PCT International Publication No. WO 96/39162 (Maratos-Flier, E.) December 12, 1996;
7. European Patent Application No. EP 0 848 060, published June 17, 1998;
8. Expressed Sequence Tags Database Accession No. F07228, Auffray, et al., (first published February 15, 1995);
9. Expressed Sequence Tags Database Accession No. HSU71092, Kolakowski, et al., "Characterization of a human gene related to genes encoding somatostatin receptors," (published December 21, 1996);
10. Expressed Sequence Tags Database Accession No. AF008650, Lakaye, et al., "Cloning of the rat brain cDNA encoding for the SLC-1 G protein-coupled receptor reveals the presence of an intron in the gene," (first published October 1, 1997);
11. Expressed Sequence Tags Database Accession No. Z86090, Lloyd, D., "Human DNA Sequence from Clone 229A8," (published February 22, 1997);
12. Expressed Sequence Tags Database Accession No. T30384, Bergsma, et al., "Human somatostatin-like receptor and corresponding DNA-used to develop prods. for diagnosis and therapy of conditions involving abnormal receptor

activities," (September 13, 1996);

13. Expressed Sequence Tags Database Accession No. V28115, Bergsma, et al., "Human 11cb splice variant polypeptide-use for treatment of e.g. bacterial, protozoal, fungal and viral infections e.g. caused by human immunodeficiency virus," (published September 25, 1998);
14. Auffray, C., et al., "IMAGE: intégration au niveau moléculaire de l'analyse du génome humain et de son expression", *C.R. Acad. Sci. Paris, Sci. Vie* (1995) **318**: 263-272 (includes abridged English text);
15. Chambers, et al., "Melanin-concentrating hormone is the cognate ligand for the orphan G-protein-coupled receptor SLC-1", *Nature* **400**: 261-265 (July 15, 1999);
16. Kolakowski, L.F., et al., "Characterization of a human gene related to genes encoding somatostatin receptors", *FEBS Letters* (1996) **398**: 253-258;
17. Lakaye, B., et al., "Cloning of the rat brain cDNA encoding for the SLC-1 G protein-coupled receptor reveals the presence of an intron in the gene", *Biochimica et Biophysica Acta* (February 4, 1998) **1401(2)**: 216-220;
18. Rudiger, et al., "Single-Molecule Detection Technologies in Miniaturized High Throughput Screening: Binding Assays for G-Protein-Coupled Receptors Using Fluorescence Intensity Distribution Analysis and Fluorescence Anisotropy," *Journal of Biomol. Screening* **6(1)**: 29-37 (2001);
19. Saito, et al., "Molecular characterization of the melanin-concentrating-hormone receptor", *Nature* **400**: 265-268 (July

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15, 1999); and

20. Shimada, M., et al., "Mice lacking melanin-concentrating hormone are hypophagic and lean", *Nature* 396: 670-674 (December 17, 1998).

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone him at the number provided below.

No fee, other than the enclosed \$451.00 fee for filing the subject application, is deemed necessary in connection with the filing of this Preliminary Amendment and Information Disclosure Statement. However, if an additional fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



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Marked-up Version of Amendments

Deletions to the text are indicated by square brackets.

In the Claims:

197. (Amended) A method of [any one of] claim[s] 192, [193, 194, 195, or 196,] wherein the eating disorder is anorexia nervosa.

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Exhibit A
